

AMENDED IN ASSEMBLY MAY 3, 2004

AMENDED IN ASSEMBLY APRIL 1, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2042

Introduced by Assembly Member Lowenthal

February 17, 2004

An act to add Section 1740 to the Harbors and Navigation Code, relating to ports.

LEGISLATIVE COUNSEL'S DIGEST

AB 2042, as amended, Lowenthal. Ports: Port of Los Angeles: Port of Long Beach: air pollution.

(1) Existing law provides for the regulation of ports and harbors. Existing law, the Lewis-Presley Air Quality Management Act, establishes the South Coast Air Quality Management District as the sole and exclusive local agency within those portions of the Counties of Los Angeles, Orange, Riverside, and San Bernardino that are included within the South Coast Air Basin.

This bill would require the south coast district to establish a baseline for air quality in the Port of Long Beach that is based on the port's emission inventory for ~~2001~~ 2002, and a baseline for air quality in the Port of Los Angeles that is based on that port's emission inventory for ~~2002~~ 2001, ~~including~~ covering emissions from oceangoing vessels and harbor craft, cargo handling equipment, locomotives, and commercial vehicles, as defined. *The bill would authorize the baseline to include only oxides of nitrogen, particulate matter, sulfur oxide, and total hydrocarbons.*

The bill would require the City of Long Beach, for the Port of Long Beach, and the City of Los Angeles, for the Port of Los Angeles, to require growth and operations at its port to be limited or controlled in a manner that prevents air pollution at the port from exceeding the specified baseline. The bill would require each ~~city~~ *of those cities*, on March 1, 2006, and every March 1 thereafter, to report to the district regarding ~~the~~ *that* city's compliance with this requirement, including an accounting of the city's programs and efforts that are directed towards that compliance.

The bill would authorize the district to impose a fee ~~upon each city that does not exceed~~ *on the City of Long Beach and the City of Los Angeles to cover* the district's costs of administering these provisions.

The bill would authorize the Port of Los Angeles and the Port of Long Beach to establish an emission reduction credit trading program or an emission offset program for the sources covered by the baseline, if the program is approved by the district or the State Air Resources Board.

The bill would establish a state-mandated local program by imposing new duties upon those local entities.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares all of
2 the following:

3 (a) Exhaust fumes from diesel fuel are known to cause cancer.

4 (b) A landmark study conducted by the South Coast Air
5 Quality Management District, the "Multiple Air Toxics Exposure
6 Study," found that 70 percent of all serious health risks

1 attributable to mobile pollution sources are attributable to diesel
2 engine exhaust.

3 (c) The federal Clean Air Act (42 U.S.C. Sec. 7401, et seq.)
4 requires certain regions that have high levels of air pollution
5 demonstrate that construction of new highways will not worsen air
6 pollution.

7 SEC. 2. Section 1740 is added to the Harbors and Navigation
8 Code, to read:

9 1740. (a) (1) The South Coast Air Quality Management
10 District shall establish a baseline for air quality in the Port of Long
11 Beach that is based on the port's emission inventory for ~~2001~~
12 2002.

13 (2) The district shall establish a baseline for air quality in the
14 Port of Los Angeles that is based on the port's emission inventory
15 for ~~2002~~ 2001.

16 (3) The baselines established by the ~~district~~ *South Coast Air*
17 *Quality Management District* under this subdivision shall include,
18 ~~but need not be limited to, emissions~~ *subdivision shall only cover*
19 *emissions* from oceangoing vessels and harbor craft, cargo
20 handling equipment, locomotives, and commercial vehicles, as
21 defined in subdivision (b) of Section 15210 of the Vehicle Code.

22 (4) *The baseline established by the district pursuant to*
23 *subdivision (a) may only include emissions of the following air*
24 *contaminants:*

25 (A) *Oxides of nitrogen.*

26 (B) *Particulate matter.*

27 (C) *Sulfur oxide.*

28 (D) *Total hydrocarbons.*

29 (b) The City of Long Beach, for the Port of Long Beach, and
30 the City of Los Angeles, for the Port of Los Angeles, shall require
31 growth and operations at its port to be limited or controlled in a
32 manner that prevents air pollution at the port from exceeding the
33 baseline established under subdivision (a).

34 (c) On March 1, 2006, and every March 1 thereafter, ~~each city~~
35 *the City of Long Beach and the City of Los Angeles* shall report to
36 the ~~district~~ *South Coast Air Quality Management District*
37 regarding the city's compliance with subdivision (b), including,
38 but not limited to, an accounting of the city's programs and efforts
39 that are directed towards that compliance.

~~(d) The district may impose a fee upon each city that does not exceed the district's costs of administering this section.~~

(d) The South Coast Air Quality Management District may impose a fee on the City of Long Beach and the City of Los Angeles to cover the costs of administering this section, in an amount that does not exceed those costs.

(e) The Port of Los Angeles and the Port of Long Beach may establish an emission reduction credit trading program or an emission offset program for the sources described in paragraph (3) of subdivision (a), if the program is approved by either the South Coast Air Quality Management District or the State Air Resources Board.

(f) The provisions of this section are intended to grant only oversight authority to the South Coast Air Quality Management District with respect to the baselines established by the Port of Long Beach and the Port of Los Angeles based on their respective emission inventories.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.